

AN ORDINANCE BY



02-0-1891

COUNCILMEMBER CARLA SMITH

AN ORDINANCE TO AMEND APPENDIX E, ATLANTA HOUSING CODE, ARTICLE II, SECTION 25 SO AS TO PROHIBIT THE REPAIR OR SERVICING OF A MOTOR VEHICLE ON PRIVATE PROPERTY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta, through its charter, has been granted the authority to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city; and

WHEREAS, the City has been granted the authority to regulate land use so as to promote public health, safety, aesthetic and general welfare of the City; and

WHEREAS, the City has been granted the authority to regulate housing and conditions of housing; and

WHEREAS, the repairing and servicing of motor vehicles on property not zoned for search activity constitutes conduct that negatively impacts the health, cleanliness, safety and the general welfare of citizens and their communities.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1:

That Appendix E, Atlanta Housing Code, Article II, Section 25, is amended by adding the following:

- (e) It shall be unlawful for the owner, occupant or operator of any lot, tract, parcel of land or premises in the City of Atlanta, to conduct, permit or allow the repair or servicing of a motor vehicle on such real property; and it shall be unlawful for any person to cause, permit or allow the repair or servicing of a motor vehicle on the real property of another. Except that it shall not be unlawful to repair and service a motor vehicle, in an otherwise lawful manner:
 - (1) Any vehicle that is the property of the owner or occupant of the real property, as established by proof of insurance or vehicle registration;
 - (2) Any vehicle in an emergency situation where such repairs are necessary to restore said vehicle to immediate operation;

- (3) Any vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
- (4) Any vehicle on property occupied and used for repair, reconditioning and remodeling of motor vehicles in conformance with the zoning ordinances of the city.

SECTION 2:

That all ordinances and parts of ordinances in conflict herewith are hereby repealed.